THE COMMONWEALTH OF MASSACHUSETTS

COUNCIL CHAMBER

STATE HOUSE. BOSTON 02133

RULES OF ORDER FOR THE ASSEMBLY OF THE COUNCIL

Rule 1. The Governor, or in his absence, the Lieutenant Governor, shall take the chair at the hour to which the Council is called by the Governor to assemble and shall preside at said assembly.

Rule 2. The Governor, or the Lieutenant Governor when presiding, shall preserve order and decorum, may speak on points of order in preference to Council members, and shall decide all questions of order subject to appeal to the body as a whole which may not overturn a ruling on a question of order except by vote of 2/3 of the members present.

Rule 3. The Governor, or the Lieutenant Governor when presiding, shall not vote on any matter.

Rule 4. Five members shall constitute a quorum.

Rule 5. The Executive Secretary shall keep a record of the proceedings of the Council in accordance with law.

Rule 6. The Executive Secretary shall have the Rules printed.

Rule 7. If there are any pardons, commutations, confirmations of appointees, retirements or removals from office requiring action by the Council, the Executive Secretary shall make all pertinent documents available to all Councillors at their offices in the State House, at least 24 hours before the assembly, or as soon as practical.

Rule 8. The Executive Secretary shall keep a record of all applications for pardon and commutation of sentence showing the action on each application.

Rule 9. The Executive Secretary shall prepare and distribute the agenda of Council business as directed by the Governor in accord with these rules and in accord with law.

Rule 10. No member of the Council should act or vote upon a question in which his private right, distinct from the public interest, is immediately concerned.

Rule 11. Members shall remain in the assembly until the business of the assembly is concluded.

Rule 12. No person shall speak to a Councillor or interfere with him during a session of the Council except at the request of the Councillor.

Rule 13. The seat immediately to the right of the Governor shall be assigned to the Lieutenant Governor. Other seats shall be assigned to the Councillors by the Governor.

Rule 14. The solemnity of the advice and consent function should warrant the constitutional participation of all Councillors in any matter that is called to the attention of the Council. The Governor may, however, appoint committees of the Council when he deems it necessary, appropriate or required by law, to assist in the business of the Council. Members shall take rank upon committees in the order in which they are named thereto by the Governor, the member first named to be chairman, except as otherwise provided by statute.

Rule 15. No matter shall be introduced in any manner for advice, consent, or advice and consent by the Council except by the Governor. The Lieutenant Governor or any Councillor desiring to place a lawful matter on the calendar shall submit his request in writing to the Governor, or to the Executive Secretary for submission to the Governor, prior to the assembly of the Council. This will allow for proper reflection and provide a clear public record.

Rule 16. The Executive Secretary shall place matters submitted by the Governor on the calendar for the nearest assembly.

Rule 17. All assemblies of the Council shall be held with open doors. The proceedings of each assembly shall be made public.

Rule 18a. No nomination within the judicial department, except Notary Public, Justice of the Peace, or Public Administrator shall be acted upon by the Council unless the nominee has been personally interviewed by the Councillors. When a nomination other than those excepted above is received by the Council, the Executive Secretary upon motion duly made, seconded and voted by the Council, shall schedule the nominee for an interview. The Executive Secretary shall then forthwith notify the nominee of the date and time. Legal notice of the interview should appear in a newspaper of general circulation within the geographical area of the court, or where there is no geographical designation (such as Superior Court or circuit positions), in the residential area of the nominee.

Said notice shall be in the following form:

> PUBLIC INTERVIEW. At _____ on Wednesday, _____, the Governor's Council will interview _____ of _____, who has been nominated by the Governor to _____. Persons wishing to testify in favor or opposition should notify in writing the Executive Secretary to the Council, Room 184, State House, Boston, MA 02133.

Rule 18b. No nomination within the judicial department except those excepted in Section (a) of this rule shall be approved by the Council until and unless the nominee files with the Governor and Council on a form to be provided by the Governor and Council the following:

1. A statement of all business interests and investment holdings (but not values) in the nominee's possession at the time of his nomination.

2. A statement listing any and all law firms the nominee has been associated with during the five (5) years immediately preceding his nomination, as well as the names of any members of the bar practicing within the Commonwealth with whom the nominee has been actively associated with in the practice of law during the five (5) years immediately preceding his nomination.

3. A complete statement of any and all political contributions made by the nominee or by his spouse, or any of their children living at home, to any and all candidates for municipal, state or national office, or to any political committees under Chapter 55 of the General Laws during the preceding three years.

4. Said questionnaire shall be mailed to nominees on that day on which said nomination is made or as soon thereafter as practical.

5. Said statement shall be kept on file by the Governor and Council and shall be open to public inspection.

Rule 18c. No nomination within the judicial department shall be moved for approval or confirmation until seven (7) days following the interview of the nominee.

Rule 19. Every Councillor, when about to speak, shall rise and respectfully address the Governor as "Your Excellency" or the Lieutenant Governor when presiding as "Your Honor", and shall confine himself to the issue before the Council, and avoid personalities.

Rule 20. When two or more members rise to speak at the same time, the Governor, or the Lieutenant Governor when presiding, shall designate the Councillor entitled to the floor.

Rule 21. No Councillor shall speak more than once to the exclusion of any other Councillor who has not spoken and desires to speak on the same question.

Rule 22. No Councillor shall interrupt another while speaking.

Rule 23. After a question is put to a vote no Councillor shall speak on it.

Rule 24. Any motion shall be reduced to writing if the Governor, or the Lieutenant Governor when presiding, so directs.

Rule 25. A question containing two or more propositions, capable of division, shall be divided whenever desired by any member.

Rule 26. When a question is under debate, the Governor, or the Lieutenant Governor when presiding, shall receive no motion that does not relate to the same.

Rule 27. No motion or proposition of a subject different from that under consideration shall be admitted under color of an amendment.

Rule 28. The previous question shall be put in the following form: "Shall the main question be now put?", and all debate upon the current question shall be suspended until the previous question is decided.

Rule 29. On the previous question no debate shall be allowed.

Rule 30. All questions of order arising after a motion is made for the previous question shall be decided without debate.

Rule 31. The Governor, or the Lieutenant Governor when presiding, shall declare all votes. The yeas and nays may be ordered by the Governor, or by the Lieutenant Governor when presiding, or shall be ordered upon the request of any member of the Council.

Rule 32. Whenever a question is taken by yeas and nays, the clerk shall call the names of all members of the Council, except the Governor beginning with the Lieutenant Governor, except when presiding, and continue in order by District and every member present shall answer to his name, unless excused before the vote is taken.

Rule 33. The rules of parliamentary practice comprised in the revised edition of Roberts Rules of Order shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with the rules of the Council.

Rule 34. In the absence of the Governor or Lieutenant Governor at a judicial nominee's interview or other proceedings of the Council, the members of the Council shall designate a presiding Councillor.

Rule 35. No rule of the Council shall be suspended except by vote of 2/3 of the members present and voting thereon.

Rule 36. No rule of the Council shall be amended, altered or repealed unless such proposed rule change shall be submitted in writing to the Executive Secretary by a member at least two weeks prior to that meeting during which such rule change shall be voted upon. No rule shall be amended, altered or repealed except by vote of no less than 2/3 of the members present and in no case with fewer than 4 votes in the affirmative.

Rule 37. No motion to reconsider a vote shall be entertained unless it is made at the same meeting at which the original vote was taken. Motions to reconsider may be made by any member regardless of whether he or she voted with the prevailing side on the original vote.

Rule 38. Commutations shall be heard by the Council pursuant to the procedures set forth in the General Laws.

Rule 39. Veteran's appeals shall be decided by the Governor and Council in accord with the provisions of Section 2 of Chapter 115 of the General Laws, after the appellant files a claim of appeal and a statement of reasons.

On November 6, 1991, Councillor James D. O'Brien, Jr., with unanimous consent, provided that the questionnaire mentioned in Rule 18a be returned "one week prior to our hearing" and that each nominee also submit at that time "a list of witnesses."

Adopted January 13, 1993